

September 21, 2005
Case No. GP-304031 (2760/132)
Serial No.: 10/690,126
Filed: October 21, 2003
Page 2 of 4

REMARKS:

Claims 1-5, 7-12, 14-18 and 20 were rejected under 35 U.S.C. §102(e) as anticipated by Muramatsu. This rejection is traversed. Applicant notes that Muramatsu has now issued as United States Patent 6,937,141.

In order to anticipate the instant claims, Muramatsu must disclose each and every element of the claims, including claims 1, 8, and 15, in as great detail as claimed. Since Muramatsu does not disclose, at least, sending a services selection message based on the determination [whether the automatic number identification corresponds to a services authorized number], as claimed in claims 1, 8, and 15, this rejection must fall.

The Examiner's rejection is based on the assertion that the "sensor data transmitted by the vehicle remote control system to the mobile phone reads on a services selection message, since the user of the mobile phone remotely controls vehicular functions based on the sensor data received from the vehicle remote control system." See, page 3, lines 2-4 of the July 12, 2005 office action. However, the Examiner's assertion is misguided.

At most, Muramatsu discloses that sensor data is sent to a mobile phone. Muramatsu does not disclose a services selection message. That a user may or may not remotely control vehicle functions based on the sensor data is not the standard for anticipation. In order to anticipate, Muramatsu must disclose the claimed elements in as great detail as claimed – which Muramatsu clearly does not do. Transmitting data is not identical to sending a services selection message.

Similarly, Muramatsu does not disclose that sending the services selection message comprises sending an electronic message, the electronic message comprising a selection list, the selection list comprising one or more vehicle functions for control, as claimed in claims 4 and 11. That a device offers the ability to control multiple vehicle functions is not the same as the claimed elements – anticipation requires that the claimed invention be disclosed in as great detail as claimed. Muramatsu fails to disclose the claimed elements.

September 21, 2005
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Serial No.: 10/690,126
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Page 3 of 4

Claims 1, 8, and 15 are patentable over the prior art as the prior art does not disclose, teach, or suggest, each and every element of those claims. Claims 2-5, 7, 9-12, 14, 16-18, and 20 depend directly or indirectly from one of claims 1, 8 or 15 and are therefore patentable over the prior art for at least that reason. Withdrawal of the rejections to 1-5, 7-12, 14-18 and 20 is requested.

Claims 6, 13, and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Muramatsu in view of Rigo. This rejection is traversed. Claims 6, 13, and 19 depend directly or indirectly from one of claims 1, 8 or 15 and are therefore patentable over the prior art for at least that reason.

Withdrawal of the rejection to claims 6, 13, and 19 is requested.

September 21, 2005
Case No. GP-304031 (2760/132)
Serial No.: 10/690,126
Filed: October 21, 2003
Page 4 of 4

SUMMARY:

Claims 1-20 as set forth herein fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

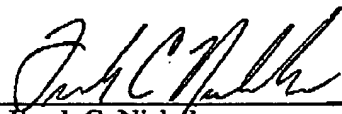
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